

ORIGINAL

PROB. 12B
(7/93)

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

United States District Court

for the

FEB 14 2008
at 2 o'clock and 70 min. P.M.
SUE BEITIA, CLERK

DISTRICT OF HAWAII

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: DUANE K. PEREIRA

Case Number: CR 04-00360DAE-01

Name of Sentencing Judicial Officer: The Honorable David Alan Ezra
U.S. District Judge

Date of Original Sentence: 12/21/2005

Original Offense: Count 1: FELON IN POSSESSION OF A FIREARM, in violation
18 U.S.C. §§ 922(g)(1) and 924(a)(2), a Class C felony

Original Sentence: Twenty-seven (27) months imprisonment and three (3) years supervised release, with the following special conditions: 1) Defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment; 2) Defendant shall execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office; and 3) Defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Type of Supervision: Supervised Release Date Supervision Commenced: 9/07/2007

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

Special Condition No. 4: *That the defendant participate in a Residential Reentry Center program such as Mahoney Hale for a period not to exceed 180 days, or until otherwise released, at the discretion and direction of the Probation Office. While in the program, the defendant shall participate in the components of the Mahoney Hale program.*

Special Condition No. 5: *That the defendant reside in a structured living environment, such as a clean and sober house, for a period not to exceed 180 days, or until otherwise released, at the discretion and direction of the Probation Office.*

CAUSE

During the commission of the instant offense, the offender was serving a five (5) year state probation term on Maui. As a result of his federal conviction while on state probation, the offender was required to make an appearance at a revocation hearing in Maui, following his release from the Federal Detention Center in Honolulu on 9/7/2007. On 10/2/2007, the offender's state probation was revoked and his federal supervision term began tolling. He is currently in custody at Halawa Correctional Facility (HCF), pending an appearance before the Parole Board. While incarcerated at HCF the offender has maintained contact with this officer. He has requested that upon his release from state custody, that he be allowed to enter Mahoney Hale, a Residential Reentry Center (RRC). Furthermore, the offender indicated that he would continue to benefit from residing in a structured living environment following his release from an RRC. The offender acknowledged that this would assist in his successful reintegration into the community. Our office agrees and respectfully recommends that the Court order the above-requested conditions.

Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The offender waives his right to a hearing and to assistance of counsel. The

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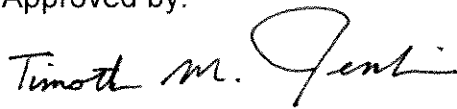
offender agrees to the modification of the conditions of supervised release. The offender's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

Respectfully submitted by,



LISA K.T. JICHA
U.S. Probation Officer

Approved by:

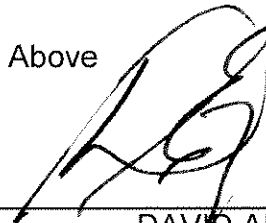


TIMOTHY M. JENKINS
Supervising U.S. Probation Officer

Date: 2/12/2008

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other



DAVID ALAN EZRA
U.S. District Judge

2-13-08

Date

PROB 49
(5/96)**United States District Court****District of Hawaii**

RECEIVED

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release and/or Extend Term of Supervision**U.S. PROBATION OFFICE
HONOLULU HAWAII

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

☒ To modify the conditions of supervision as follows:

Special Condition No. 4: *That the defendant participate in a Residential Reentry Center program such as Mahoney Hale for a period not to exceed 180 days, or until otherwise released, at the discretion and direction of the Probation Office. While in the program, the defendant shall participate in the components of the Mahoney Hale program.*

Special Condition No. 5: *That the defendant reside in a structured living environment, such as a clean and sober house, for a period not to exceed 180 days, or until otherwise released, at the discretion and direction of the Probation Office.*

Witness:



LISA K.T. JICHA
U.S. Probation Officer

Signed:



DUANE K. PEREIRA
Supervised Releasee

1/8/08

Date